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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,967	10/29/2003	Clive Paul Hohberger	3031	8000
31424	7590	12/29/2004	EXAMINER	
BABCOCK IP LLC 24154 LAKESIDE DRIVE LAKE ZURICH, IL 60047			BROWN, VERNAL U	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,967

Applicant(s)

HOHBERGER ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to amendment filed September 27, 2004.

Response to Arguments

Applicant's arguments filed September 27, 2004 have been fully considered but they are not persuasive.

Regarding applicant's argument regarding the establishing of a prima facie case of obviousness, Snodgrass et al. teaches the transponder responds with forward error correctable data message comprising convolutional error correcting codes (col. 9 lines 42-46). The reference of Itoh et al. is relied upon for teaching the use of Reed-Solomon forward error correcting code in a wireless system as an alternative to the convolutional error correcting code (col. 11 lines 39-54) and therefore renders the use of Reed Solomon correcting code in Snodgrass et al. obvious because Itoh et al. teaches the use of Reed Solomon code as an alternative to the convolutional code used by Snodgrass et al. The use of error correcting codes is generally not based on the complexity of the communication system but is generally used as a means of maintaining an acceptable bit error rate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snodgrass et al. U.S Patent 5841770 in view of Itoh et al. U.S Patent 5923679.

Regarding claims 18 and 21, Snodgrass et al. teaches a transponder for use with an electronic identification system including an interrogator for transmitting an interrogator signal and for receiving response signal from the transponder (col. 4 line 20-21). The transponder includes control means (42) and a data memory (64) arrangement into which programmable data associated with the transponder is stored. The control means is operative in response to an interrogation signal to utilize the data associated with the transponder to cause the transponder to respond with forward error correctable data message (col. 9 lines 42-46). Snodgrass et al. is however silent on teaching the forward error correcting code is Reed-Solomon. Itoh et al. in an art related Error Correction Encoder, Error Correction Decoder Communication System teaches the use of different error correcting codes base on whether the type of error likely to be encountered is bursty or random error and teaches the use of Reed Solomon code in a bursty error type of environment (col. 11 lines 50-54) in order to ensure an acceptable error data rate.

It would have been obvious to one of ordinary skill in the art to use Reed-Solomon as the forward error correcting code in Snodgrass et al. as evidenced by Itoh et al. because Snodgrass et al. suggests the use of forward error correctable data messages and Itoh et al. teaches the use of Reed-Solomon code as the forward error correcting code in order to provide adequate error correcting capability based on the type of error encountered.

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Regarding claim 20, Snodgrass et al. teaches reading the base data from memory (col. 9 lines 44-45) and the transponder having a local code generating means forming part of the transponder for locally generating the forward error correctable data message (col. 9 lines 41-46).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snodgrass et al. U.S Patent 5841770 in view of Itoh et al. U.S Patent 5923679 and further in view of Denne et al. U.S Patent 4691202.

Regarding claim 19, Snodgrass et al. teaches a memory (64) storing response data but is silent on teaching the memory is configured to be programmed with forward error correctable data message and pre-generated by an external code generation means. Denne et al. in an art related Identification System teaches each transponder includes error correctable data message that is pre-programmed and stored in memory and each transponder responds with the stored error correctable data message in response to the interrogator signal (col. 1 lines 64-67, col. 2 lines 2-4).

It would have been obvious to one of ordinary skill in the art to configured the memory to be programmed with forward error correctable data message and pre-generated by an external code generation means in Snodgrass et al. in view of Itoh et al. because Snodgrass et al. in view of Itoh et al. teaches a memory for storing response data and Denne et al. teaches each transponder includes error correctable data message that is pre-programmed and stored in memory to respond to the interrogation signal. Storing

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error correctable data in memory serve the purpose of simplifying the transponder circuitry.

Allowable Subject Matter

Claims 1-17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 1-17, the prior art of record fail to teach or suggests the base data in the form of the identification code is encoded as the first set of symbol characters in accordance with a first forward error correction code, a first set of check characters on the identification code data as defined in the first forward error correcting code and other base data encoded as a second set of symbol characters in accordance with a second forward error correcting code.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

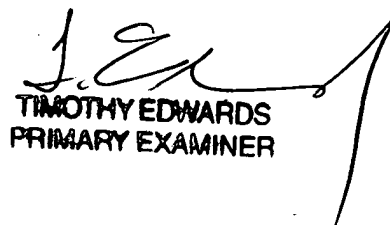
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
December 27, 2004



TIMOTHY EDWARDS
PRIMARY EXAMINER